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REMARKS

Reconsideration of the above identified application and allowance of all the pending claims are respectfully requested in view of the above amendments and the following remarks.

Claims 1, 6, 9-11, and 17-18 remain pending herein. Claims 2-5, 7-8, 12-16 and 19-22 have been canceled without prejudice or disclaimer. Claims 1, 10 and 17 are independent claims.

With regard to the objections to the claims, Applicant has addressed all of the issues raised in the Office Action. Applicant respectfully submits that all grounds of objection are now overcome.

Claims 1-9 stand rejected under 35 U.S.C. §101 for allegedly reciting non-statutory subject directed to a data structure *per se*. Claims 1-22 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Harel *et al.* (U.S. Pat. Appln. Pub. No. 2004/0190548) ("Harel") in view of Stiscia *et al.* (U.S. Pat. Appln. Pub. 2004/0136534) ("Stiscia"). Applicant respectfully traverses these grounds of rejections for the reasons indicated herein below.

With regard to the rejection under 35 U.S.C. §101, Applicant has the amended claims 1, 6 and 9 to recite a method for generating a GEM frame structure, which is clearly statutory subject matter, and supported at least page 11, line 23, to page 12, line 20, and FIG. 5. Applicant respectfully submits that the rejection under 35 U.S.C. §101 is overcome. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

With regard to the rejection under 35 U.S.C. §103(a) over the combination of Harel and Stiscia, Applicant respectfully submits that none of the present claims would have been obvious to a person of ordinary skill in the art at the time of invention.

For example, with regard to claim 1, the combination of Harel and Stiscia fails to render obvious steps (ii) to (iii) which include receiving payload information of the GEM frame to

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provide a GEM control frame delivering management control information, generating information representing data type information included in a payload according to payload information of the GEM frame, and including information generating into a header of the GEM frame and generating a new GEM frame structure for determining a payload information of the GEM frame through the header, and wherein the information included in the payload represent a data type of a payload of the GEM frame, and the GEM frame is one of the control frame, a TDM data frame or an Ethernet data frame.

The presently claimed invention provides a novel and nonobvious solution to a problem that the ONT management control information in an ONU supporting GEM cannot be processed (specification at page 8, lines 2-3). Therefore, in order to deliver the management control information in the GEM protocol, the presently claimed invention adds a field representing a transmitted payroll type in a GEM frame header, wherein the field represents information that the GEM frame is one of a control frame, a TDM data frame, and an Ethernet data frame. At an OLT receiving the GEM frame, the presently claimed invention provides an advantage in that it is possible to process the ONT management control information of the GEM frame through the header information only.

Applicants respectfully submit that the combination of Harel and Stiscia fail as a combination to disclose or suggest the above recitation of claim 1. For example, with regard to the combination, Harel on page 3, paragraph [0030] does not, in combination with Stiscia, disclose, suggest or otherwise render obvious a GEM frame. Paragraph [0027] of Harel, which was also cited in the Office Action, does not, in combination with Stiscia, render claim 1 obvious (nor does the entirety of Harel in combination with Stiscia). While Harel may disclose storing payload data information in a packet header that is provided to a frame mapper to map their

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location, the combination of references does not recognize or address the known problem in the art that is solved by the presently claimed invention. The presently claimed invention discloses a method for an efficient operation by displaying information in the header and using that information based on the identified scheme. For at least the above reasons, present claim 1 would not have been obvious over the combination of Harel and Stiscia.

With regard to independent claim 10, which recites a method for processing data in a GPON, and claim 17, which recites a method for processing data in a GPON in which a GEM frame is received, Applicant respectfully submits that these claims have also been amended (supported at least by FIGs. 6 and 7, and the specification at page 12, line 21 to page 13, line 21) to include, for example that, if the received frame is the GEM frame, the GEM frame includes a control frame that is created using the received frame and transferring the control frame representing the payload type thereof, wherein the GEM frame header has a field representing that a payload of the GEM frame is a control frame, TDM data frame, or Ethernet data frame (claim 10), and is processed depending on the payload type (claim 17). Thus, the presently claimed invention does not merely receive a packet having payload information, as in the combination of Harel and Stiscia.

For at least the foregoing reasons, Applicant respectfully submits that the combination of references do not disclose, suggest, or otherwise render obvious any of claims, 1, 10 and 17 and do not provide at least the advantages discussed above.

In addition, Applicant respectfully submits that the combination of elements, as recited in the present claims, would not have been within the level of ordinary skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. §103(a) is

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overcome.

Applicant also respectfully submits that with regard to claims 6, 9, 11 and 18, all of these claims are patentable at least for dependency from one of independent claims 1, 10 or 17, which are believed to be patentable for the reasons disclosed above, and because of a separate basis for patentability. Individual consideration of all the claims on their own merits is respectfully requested.


Reconsideration and withdrawal of all grounds of rejection under 35 U.S.C. §103(a) are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all of the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Should the Examiner deem that there are any issues that may be best resolved by telephone communication, please contact Applicant's undersigned Attorney at the number listed below. While no fees are believed to be due at this time, please credit any overages or charge any deficiencies to Deposit Account 502-470.

Respectfully submitted,  
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